

canceled; claim 15 is amended to obviate its indefiniteness rejection; claims 1, 4, 5-9, 14-22, 24-25, and 27-28 are amended to clarify the invention and not because of any prior art cited; the specification is amended to obviate the objections to the drawings and specification; and the rejections under section 102(e) are traversed.

Support for the amendments to the specification at page 8, lines 7-21, is found in the originally submitted paragraphs appearing at page 8, lines 7-21, and the originally filed specification text at page 23, lines 8-15.

Support for the amendment to page 16 is found in the originally filed drawings of Figs. 3, 5, 7 and 9, the originally filed specification text at page 14, lines 11-12, and originally filed claim 7.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

Affirmation of Election

Applicant hereby affirms, without traverse, election of Figs. 5-8, claims 1-9, 14-25, 27-28 and 30 reading thereon.

Objection to the Drawings

The Examiner objected to the drawings as including the reference numbers 39B and 40B not mentioned in the specification.

RESPONSE

The specification has been amended at page 16 to include a description of reference numbers 39B and 40B. Support for the amendment is found in the originally filed drawings of Figs. 3, 5, 7 and 9, the originally filed specification text at page 14, lines 11-12, and originally filed claim 7.

More particularly, Figs. 5 and 9 make clear that element 39B of Fig. 7 corresponds to element 39A of Fig. 3 and that element 40B of Fig. 7 corresponds to element 40A of Fig. 3. In reliance on the analogous nature of 39A to 39B and 40A to 40B, a sentence has been added to page 16 based on the descriptive text found in originally filed page 14, lines 11-12, and claim 7 as originally filed.

Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Objection to the Specification

The Examiner objected to the paragraphs at page 8, lines 7-21, as incomprehensible.

RESPONSE

The specification has been amended to obviate the objection.

Support for the amendments to the specification at page 8, lines 7-21, is found in the originally submitted paragraphs appearing at page 8, lines 7-21, and the originally filed specification text at page 23, lines 8-15.

Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. § 112

The Examiner rejected claim 15 under 35 U.S.C. § 112, 2nd paragraph stating:

Regarding claim 15, the phrase "the support member for a load by a pressurizing element to be applied to at the proximal end thereof;" in lines 5-7 is unclear rendering the scope of the claim indefinite..

RESPONSE

Claim 15 has been amended to obviate the rejection.

More particularly, the term "proximal end" has been redefined as a --second end-, and consistent therewith the term "the supporting member for a load by a pressurizing element to be applied to at the proximal end thereof" has been amended to --the second end being configured to apply a load by a pressurizing element--.

As amended claim 15 is asserted to now be in compliance with section 112.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Rejection Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-9, 14-25, 27-28 and 30 as anticipated by U.S. Patent No. 6,250,714.

RESPONSE

Applicant respectfully traverses the rejections on the grounds that the cited U.S. patent is not a "prior art" reference.

Under 35 U.S.C. § 102 a U.S. patent is effective as a reference as of its **U.S. filing date**. The foreign priority date of a reference cannot be used to antedate the application filing date. In contrast, the priority date of the application under 35 U.S.C. § 119 is effective to antedate the U.S. filing date of the reference. See MPEP 2136.03.

The instant application claims a priority date of August 23, 1999 under 35 U.S.C. § 119. Certified copies of the priority documents have been submitted and have been acknowledged by the Examiner.

The patent cited by the Examiner has a U.S. filing date of August 27, 1999, which is **after** the claimed priority date of the instant application. Thus the cited patent is not "**prior** art" with respect to the instant application. Therefore, Applicant respectfully submits that the Examiner's rejections are improper and respectfully requests withdrawal of same.

Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

MISCELLANEOUS

The references cited by the Examiner have been reviewed and it is agreed that the claims as originally presented and as herein

resubmitted are patentable thereover.

CONCLUSION

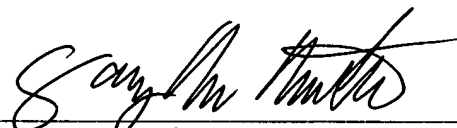
In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Respectfully submitted,

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#17
11/23/02**Attachment "A"**

(Marked Up Copy of Amended Specification Paragraphs)

Please amend the specification paragraphs appearing at page 8, lines 7-21, as follows:

Since a pressure receiving portion and a holder are provided in a position [corresponding to the back portion of the passenger which is a position] receiving an impact load [accompanying a bumping] as a result of another car bumping into a rear of a subject car, and which corresponds to the position of the back of the passenger, and form a substantially U shape when viewed from a front, there are no projections; and consequently, to reduce cost, an operating plate or the like for receiving pressure is unnecessary [to reduce cost].

Since a pressure receiving portion and holder are provided in a position [corresponding to a back portion of a passenger which is a position] receiving an impact load [accompanying the bumping] as the result of another car bumping into [a] the rear of [a] the subject car, and which corresponds to the position of the back of the passenger, and form a substantially L shape when viewed from the front, there are no projections; and consequently, to reduce cost, an operating plate or the like for receiving pressure is unnecessary [to reduce cost]. Since there is only one holder, weight can be reduced significantly.

Please insert the following paragraph at page 16, following line 24:

Active headrest return spring 12 is locked by the lock portion 40B formed on the cover 39B.